

1980 WL 120965 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1980

*1 Walter Bedingfield, Esquire
Blatt & Fales
1611 Allen Street
Barnwell, South Carolina 29812

Dear Mr. Bedingfield:

You have asked the opinion of this Office on what procedure is required to propose an ordinance by initiative and referendum.

Initiative and referendum procedures in a municipality are governed by [Sections 5-17-10 to 5-17-30, Code of Laws of South Carolina](#), 1976, as amended. [Section 5-17-10](#), as amended, provides that the electors of a municipality may propose an ordinance by filing with the municipal council a petition setting forth the ordinance signed by qualified electors of the municipality in a number at least equal to fifteen percent of the registered voters at the last regular municipal election. The petition and signatures thereon then must be submitted to and certified by the municipal election commission as being in compliance with [§ 5-17-10](#). Although not specified in the sections on initiative and referendum, it is suggested that the form of the petition should comply with [§ 7-11-180](#) which governs the form of nominating petitions.

If the municipal council fails to pass an ordinance proposed by the initiative petition, the adoption of the ordinance, pursuant to [Section 5-17-30](#), must be submitted in a referendum not less than thirty days nor more than one year from the date the council takes its final vote thereon.

It is the opinion of this Office that the procedures for proposing an ordinance by initiative and referendum would be governed by [Sections 5-17-10 to 5-17-30](#), as amended, as explained hereinabove.

Sincerely,

James M. Holly
Assistant Attorney General

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